

material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that any interested state, state commission, state securities commission, municipality, or other political subdivision of a state, or any representative of interested consumers or security holders, or any other person, desiring to be admitted as a party in this proceeding or to offer evidence in this matter, shall give notice of such intention to the Commission, such notice to be received by the Commission not later than April 7, 1936.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 137—Filed, March 31, 1936; 11:56 a. m.]

Thursday, April 2, 1936

No. 14

## TREASURY DEPARTMENT.

### Federal Alcohol Administration.

#### [Regulations No. 5]

#### LABELING AND ADVERTISING OF DISTILLED SPIRITS

##### ARTICLE I. DEFINITIONS

As used in these regulations—

(a) The term "Act" means the Federal Alcohol Administration Act.<sup>1</sup>

(b) The term "Administration" means the Federal Alcohol Administration.

(c) The term "Administrator" means the head of the Federal Alcohol Administration.

(d) The term "permittee" means any person holding a basic permit under the Federal Alcohol Administration Act.

(e) The term "distilled spirits" means ethyl alcohol, hydrated oxide of ethyl, spirits of wine, whiskey, rum, brandy, gin, and other distilled spirits, including all dilutions and mixtures thereof, for non-industrial use.

(f) The term "bottle" means any container, irrespective of the material from which made, used for the sale of distilled spirits at retail.

(g) The term "in bulk" means in containers having a capacity in excess of one wine gallon.

(h) The term "gallon" means United States gallon of 231 cubic inches of alcoholic beverage at 68° F. (20° C.). All other liquid measures used are subdivisions of the gallon as so defined.

(i) The term "brand label" means the label carrying, in the usual distinctive design, the brand name of the distilled spirits.

(j) The term "age" means the period during which, after distillation and before bottling, distilled spirits have been kept in oak containers, charred if for a whiskey of American type other than corn whiskey, straight corn whiskey, blended corn whiskey (corn whiskey—a blend), or a blend of straight corn whiskeys. In the case of American type whiskeys produced on or after July 1, 1936, "age" means the period during which the whiskey has been kept in new oak containers, charred if used for whiskey other than corn whiskey, straight corn whiskey, blended corn whiskey (corn whiskey—a blend), or a blend of straight corn whiskeys.

(k) The term "United States" means the several States and Territories and the District of Columbia; the term "State" includes a Territory and the District of Columbia; and the term "Territory" means Alaska, Hawaii, and Puerto Rico.

(l) The term "interstate or foreign commerce" means commerce between any State and any place outside thereof, or commerce within any Territory or the District of Columbia, or between points within the same State but through any place outside thereof.

(m) The term "person" means any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and including an officer or employee of any agency of a State or political subdivision thereof; and the term "trade buyer" means any person who is a wholesaler or retailer.

(n) Any other term defined in the Federal Alcohol Administration Act and used herein shall have the same meaning assigned to it by such Act.

#### ARTICLE II. STANDARDS OF IDENTITY FOR DISTILLED SPIRITS

SEC. 20. *Application of Standards.*—The standards of identity for the several classes and types of distilled spirits set forth herein shall be applicable to all regulations and permits issued under the Act. Whenever any term for which a standard of identity has been established herein is used in any such regulation or permit, such term shall have the meaning assigned to it by such standard of identity.

SEC. 21. *The Standards of Identity.*—Standards of identity for the several classes and types of distilled spirits set forth herein shall be as follows:

CLASS 1. *Neutral Spirits or Alcohol.*—"Neutral spirits" or "alcohol" are distilled spirits distilled from any material at or above 190° proof, whether or not such proof is subsequently reduced.

CLASS 2. *Whiskey.*—(a) "Whiskey" is an alcoholic distillate from a fermented mash of grain distilled at less than 190° proof in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to whiskey, and withdrawn from the cistern room of the distillery at not more than 110° and not less than 80° proof, whether or not such proof is further reduced prior to bottling to not less than 80° proof; and also includes mixtures of the foregoing distillates for which no specific standards of identity are prescribed herein. "Rye whiskey", "bourbon whiskey", "wheat whiskey", "corn whiskey", "malt whiskey", or "rye malt whiskey" is whiskey which has been distilled at not exceeding 160° proof from a fermented mash of not less than 51% rye grain, corn grain, wheat grain, corn grain, malted barley grain, or malted rye grain, respectively, and also includes mixtures of such whiskeys where the mixture consists exclusively of whiskeys of the same type.

(b) "Straight whiskey" is an alcoholic distillate from a fermented mash of grain distilled at not exceeding 160° proof and withdrawn from the cistern room of the distillery at not more than 110° and not less than 80° proof, whether or not such proof is further reduced prior to bottling to not less than 80° proof, and is—

(1) Aged for not less than twelve calendar months if bottled on or after July 1, 1936, and before July 1, 1937; or

(2) Aged for not less than eighteen calendar months if bottled on or after July 1, 1937, and before July 1, 1938; or

(3) Aged for not less than twenty-four calendar months if bottled on or after July 1, 1938.

The term "straight whiskey" also includes mixtures of straight whiskey, which, by reason of being homogeneous, are not subject to the rectification tax under the Internal Revenue Laws.

(c) "Straight rye whiskey" is straight whiskey distilled from a fermented mash of grain of which not less than 51% is rye grain.

(d) "Straight bourbon whiskey" and "straight corn whiskey" are straight whiskey distilled from a fermented mash of grain of which not less than 51% is corn grain.

(e) "Straight wheat whiskey" is straight whiskey distilled from a fermented mash of grain of which not less than 51% is wheat grain.

(f) "Straight malt whiskey" and "straight rye malt whiskey" are straight whiskey distilled from a fermented mash of grain of which not less than 51% of the grain is malted barley or malted rye, respectively.

(g) "Blended whiskey" (whiskey—a blend) is a mixture which contains at least 20% by volume of 100 proof straight whiskey and, separately or in combination, whiskey or neu-

<sup>1</sup> 49 Stat. 977-990.

tral spirits, if such mixture at the time of bottling is not less than 80° proof.

(h) "Blended rye whiskey" (rye whiskey—a blend), "Blended bourbon whiskey" (bourbon whiskey—a blend), "Blended corn whiskey" (corn whiskey—a blend), "Blended wheat whiskey" (wheat whiskey—a blend), "Blended malt whiskey" (malt whiskey—a blend) or "Blended rye malt whiskey" (rye malt whiskey—a blend) is blended whiskey which contains not less than 51% by volume of straight rye whiskey, straight bourbon whiskey, straight corn whiskey, straight wheat whiskey, straight malt whiskey, or straight rye malt whiskey, respectively.

(i) "A blend of straight whiskeys" (blended straight whiskeys) "A blend of straight rye whiskeys" (blended straight rye whiskeys), "A blend of straight bourbon whiskeys" (blended straight bourbon whiskeys), "A blend of straight corn whiskeys" (blended straight corn whiskeys), "A blend of straight wheat whiskeys" (blended straight wheat whiskeys), "A blend of straight malt whiskeys" (blended straight malt whiskeys), and "A blend of straight rye malt whiskeys" (blended straight rye malt whiskeys) are mixtures of only straight whiskeys, straight rye whiskeys, straight bourbon whiskeys, straight corn whiskeys, straight wheat whiskeys, straight malt whiskeys, or straight rye malt whiskeys, respectively.

(j) "Spirit whiskey" is a mixture (1) of neutral spirits and not less than 5% by volume of whiskey, or (2) of neutral spirits and less than 20% by volume of straight whiskey, but not less than 5% by volume of straight whiskey, or of straight whiskey and whiskey, if the resulting product at the time of bottling be not less than 80° proof.

(k) "Scotch whiskey" is a distinctive product of Scotland, manufactured in Scotland in compliance with the laws of Great Britain regulating the manufacture of Scotch whiskey for consumption in Great Britain, and containing no distilled spirits less than three years old: *Provided*, That if in fact such product as so manufactured is a mixture of distilled spirits, such mixture is "Blended Scotch whiskey" (Scotch whiskey—a blend). "Scotch whiskey" shall not be designated as "straight."

(l) "Irish whiskey" is a distinctive product of Ireland, manufactured either in the Irish Free State or in Northern Ireland, in compliance with the laws of those respective territories regulating the manufacture of Irish whiskey for consumption in such territories, and containing no distilled spirits less than three years old: *Provided*, That if in fact such product as so manufactured is a mixture of distilled spirits, such whiskey is "Blended Irish whiskey" (Irish whiskey—a blend). "Irish whiskey" shall not be designated as "straight."

(m) "Canadian whiskey" is a distinctive product of Canada, manufactured in Canada in compliance with the laws of the Dominion of Canada regulating the manufacture of whiskey for consumption in Canada, and containing no distilled spirits less than two years old: *Provided*, That if in fact such product as so manufactured is a mixture of distilled spirits, such whiskey is "Blended Canadian whiskey" (Canadian whiskey—a blend). "Canadian whiskey" shall not be designated as "straight."

(n) "Blended Scotch type whiskey" (Scotch type whiskey—a blend) is a mixture made outside Great Britain and composed of—

(1) Not less than 20% by volume of 100 proof malt whiskey or whiskeys distilled in pot stills at not more than 160° proof, from a fermented mash of malted barley dried over peat fire, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof, and

(2) Not more than 80% by volume of whiskey distilled at more than 180° proof and less than 190° proof, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof.

In lieu of including the word "Type", the designation may include the word "American" at the beginning thereof if produced in the United States; or corresponding wording if produced in any other country outside Great Britain.

(o) "Blended Irish type whiskey" (Irish type whiskey—a blend) is a product made outside Great Britain or the Irish Free State and composed of—

(1) A mixture of distilled spirits distilled in pot stills at not more than 171° proof, from a fermented mash of small cereal grains, of which not less than 50% is dried malted barley, and unmalted barley, wheat, oats, or rye grains, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof; or

(2) A mixture consisting of not less than 20% by volume of 100 proof malt whiskey or whiskeys distilled in pot stills at approximately 171° proof, from a fermented mash of dried malted barley, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof; and

(3) Not more than 80% by volume of whiskey distilled at more than 180° proof and less than 190° proof, whether or not such proof is subsequently reduced prior to bottling to not less than 80° proof.

In lieu of including the word "Type", the designation may include the word "American" at the beginning thereof if produced in the United States, or corresponding wording if produced in any other country outside Great Britain or the Irish Free State.

CLASS 3. *Gins*.—(a) "Distilled gin" is the distillate obtained by original distillation, or redistillation of neutral spirits over or with juniper berries and other aromatics customarily used in the production of gin, and deriving its main characteristic flavor from juniper berries and reduced at time of bottling to not less than 80° proof; and includes mixtures solely of such distillates.

(b) "Compound gin" is the product obtained by mixing neutral spirits with distilled gin or gin essence or other flavoring materials customarily used in the production of gin, and deriving its main characteristic flavor from juniper berries and reduced at time of bottling to not less than 80° proof; and includes mixtures of such products.

(c) "Dry Gin", "London Dry Gin", "Hollands Gin", "Geneva Gin", "Old Tom Gin", "Tom Gin", and "Buchu Gin" are the types of gin known under such designations, and shall be further designated as "distilled" or "compound", as the case may be.

CLASS 4. *Brandies*.—(a) "Brandy" is the distillate obtained solely from the fermented juice or mash of fruit distilled at less than 190° proof (whether or not such proof is further reduced prior to bottling to not less than 80° proof) in such manner that the distillate possesses the taste, aroma, and characteristics generally attributed to brandy; and includes mixtures solely of such distillates.

(b) "Brandy", without appropriate qualifying words, or "Grape Brandy", is the distillate obtained from grape wine or wines under the conditions set forth in subsection (a) of this class, and includes mixtures solely of such distillates.

(c) "Apply brandy" (Apple jack), "Peach brandy", "Cherry brandy", "Apricot brandy", "Orange brandy", "Raisin brandy", and other fruit brandies are distillates obtained from the fermented juice or mash of the respective fresh or dried or otherwise treated fruits under the conditions set forth in subsection (a) of this class, and includes mixtures composed wholly of one kind of such distillates. The designation shall contain the name of the fruit used, and if other than whole fresh fruit is used, the word "Dried" or such other term as may be appropriate. Brandy derived from raisins shall be designated as "Raisin brandy."

(d) "Cognac" or "Cognac brandy" is grape brandy distilled in the Cognac Region of France, which is entitled to be designated as "Cognac" by the laws and regulations of the French Government; and includes mixtures of such brandy.

CLASS 5. *Rum*.—(a) "Rum" is any alcoholic distillate from the fermented juice of sugarcane, sugarcane sirup, sugarcane molasses, or other sugarcane byproducts distilled at less than 190° proof (whether or not such proof is further reduced prior to bottling to not less than 80° proof) in such manner that the distillate possesses the taste, aroma,

and characteristics generally attributed to rum; and includes mixtures solely of such distillates.

(b) "New England rum" is rum as above defined, except that it is produced in the United States, is distilled at less than 160° proof, and is a straight rum and not a mixture of rums.

(c) Puerto Rico, Cuba, Demerara, Barbados, St. Croix, St. Thomas, Virgin Islands, Jamaica, Martinique, Trinidad, Haiti, and San Domingo rum are not distinctive types of rum. Such names are not generic but retain their geographic significance. They may not be applied to rum produced in any other place than the particular region indicated in the name, and may not be used as a designation of a product as rum, unless such product is rum as defined in subsection (a).

**CLASS 6. Cordials and Liqueurs.**—(a) Cordials and Liqueurs are products obtained by mixing or redistilling neutral spirits, brandy, gin, or other distilled spirits, with or over fruits, flowers, plants, or pure juices therefrom, or other natural flavoring materials, or with extracts derived from infusions, percolations, or maceration of such materials, and to which sugar or dextrose or both have been added in an amount not less than 2½% by weight of the finished product. Synthetic or imitation flavoring materials shall not be included.

(b) "Sloe gin" is a cordial or liqueur with the main characteristic flavoring derived from sloe berries.

(c) Cordials and liqueurs shall not be designated as "distilled" or "compound."

(d) *Dry Cordials and Dry Liqueurs.*—The designation of a cordial or liqueur may include the word "Dry" if the added sugar and dextrose are less than 10% by weight of the finished product.

**CLASS 7. Imitations.**—(a) *General.*—Imitations include distilled spirits of any class or type, containing added rye or bourbon essence or similar whiskey flavoring material, or colored or flavored in such a manner as to simulate any other class or type of distilled spirits, and shall be designated by the name of such other class or type of distilled spirits immediately preceded by the word "Imitation." Subsections (b), (c), and (d) of this class specify imitations in addition to the foregoing.

(b) *Imitation Brandy.*—(1) Neutral spirits or other distilled spirits which have added thereto or which contain synthetic or imitation brandy flavoring materials, (2) brandy which has added thereto neutral spirits or other distilled spirits than brandy, and (3) a distillate obtained from a fermented mash of fruit and sugar or dextrose are "imitation brandy", and shall be so designated.

(c) *Imitation Rum.*—(1) Neutral spirits or other distilled spirits which have added thereto or which contain synthetic or imitation rum flavoring materials, and (2) rum which has added thereto neutral spirits or other distilled spirits than rum are "imitation rum", and shall be so designated.

(d) *Imitation Cordials and Liqueurs.*—Neutral spirits, brandy, gin, or other distilled spirits which have added thereto or which contain synthetic or imitation fruit, flower, plant, or other imitations of natural flavoring materials shall not include in the designation thereof the name of such fruit, flower, plant, or other natural flavoring material, unless immediately preceded by the word "Imitation."

(e) *Harmless Coloring or Flavoring Materials.*—Notwithstanding the foregoing subsections of this class, the addition of harmless coloring or flavoring materials, such as burnt sugar and blending materials (including straight malt whiskey or straight rye malt whiskey), in a total amount not in excess of 2½% of the distilled spirits by volume, shall not, except in the case of straight whiskey, alter the class or type of any distilled spirits, provided such coloring and flavoring materials do not have the effect of imitating any class or type of distilled spirits. Whether or not distilled spirits containing such materials in excess of such total amount are imitations shall be governed by the provisions of subsection (a) of this class.

**CLASS 8. Geographical Designations.**—(a) Geographical names for distinctive types of distilled spirits (other than names found by the Administrator under subsection (b)) to

have become generic) shall not be applied to distilled spirits produced in any other place than the particular region indicated by the name, unless (1) in direct conjunction with the name there appears the word "type" or the word "American", or some other adjective indicating the true place of production, in lettering substantially as conspicuous as such name, and (2) the distilled spirits to which the name is applied conform to the distilled spirits of that particular region. The following are examples of distinctive types of distilled spirits with geographical names that have not become generic: Eau de Vie de Dantzic (Danziger Goldwasser), Ojen, Swedish Punch, Blended Scotch Whiskey, Blended Irish Whiskey, Blended Canadian Whiskey. Geographical names for distinctive types of distilled spirits shall be used to designate only distilled spirits conforming to the standard of identity, if any, for such type specified in this article, or if no such standard is so specified, then in accordance with the trade understanding of that distinctive type. Such geographical names for distinctive types of distilled spirits shall not be used as the name or a part of the name for distilled spirits not of that distinctive type.

(b) Only such geographical names for distilled spirits as the Administrator finds have by usage and common knowledge lost their geographical significance to such extent that they have become generic, shall be deemed to have become generic. The following are examples of distinctive types of distilled spirits with geographical names that have become generic: London Dry Gin, Geneva Gin, Hollands Gin, Tequila.

(c) Geographical names that are not names for distinctive types of distilled spirits, and that have not become generic, shall not be applied to distilled spirits produced in any other place than the particular place or region indicated in the name. The following are examples of geographical names for distilled spirits that are not generic and are not names for distinctive types of distilled spirits: Cognac, Armagnac, Greek Brandy, Pisco Brandy, Jamaica Rum, Kentucky Straight Bourbon Whiskey, Maryland Straight Rye Whiskey.

**CLASS 9. Products Without Geographical Designations but Distinctive of a Particular Place.**—(a) The whiskeys of the types specified in paragraphs (a) to (j), inclusive, of class 2 of this article, are distinctive products of the United States, and if produced in a foreign country, shall be designated by the applicable designation prescribed in such paragraph, together with the words "American Type" or the words "Produced (Distilled, Blended) in \_\_\_\_\_", the blank to be filled in with the name of the foreign country.

(b) The name for other distilled spirits which are distinctive products of a particular place or country shall not be given to the product of any other place or country unless the designation for such product includes the word "Type" or an adjective such as "American" or the like, clearly indicating the true place of production. This paragraph shall not apply to designations which by usage and common knowledge have lost their geographical significance to such an extent that they have become generic, provided the approval of the Administrator is obtained prior to using such designation. An example of a product which is a distinctive product of a particular place or country and which has not become generic is the following: Habanero. Examples of products which have lost their geographical significance to such an extent that they are no longer distinctive products of a particular place or country, but have become generic, are the following: Vodka, Slivovitz, Zubrovka, Aquavit, Arrack, and Kirschwasser.

#### ARTICLE III. LABELING REQUIREMENTS FOR DISTILLED SPIRITS

**SEC. 30. General.**—(a) *Application of This Article.*—No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any distilled spirits in bottles, unless such distilled spirits are packaged, and such packages are marked,

branded, or labeled in conformity with this article. Distilled spirits domestically bottled prior to March 1, 1936, and imported distilled spirits entered in customs bond in bottles prior to that date shall be regarded as being packaged, marked, branded, and labeled in accordance with this article, if the labels on such distilled spirits (1) bear all the mandatory label information required by Section 32 below even though such information is not set forth in the manner and form as required by Section 32 and the other sections of this article referred to therein, and (2) bear no statements, designs, or devices which are false or misleading.

(b) *Alteration of Labels.*—

(1) It shall be unlawful for any person to alter, mutilate, destroy, obliterate, or remove any mark, brand, or label upon distilled spirits held for sale in interstate or foreign commerce or after shipment therein, except as authorized by Federal law: *Provided*, That the Administrator may, upon written application, permit additional labeling or relabeling of bottled distilled spirits if, in his judgment, the facts show that such additional labeling or relabeling is for the purpose of compliance with the requirements of this article or of State law.

(2) Application for permission to relabel shall be accompanied by two complete sets of the old labels and two complete sets of any proposed labels together with a statement of the reasons for relabeling, the quantity and the location of the distilled spirits, and the name, address, and permit number of the person by whom they will be relabeled.

SEC. 31. *Misbranding.*—Distilled spirits in bottles shall be deemed to be misbranded—

(a) If the bottle fails to bear on it a brand label (or a brand label and other permitted labels) containing the mandatory label information as required by this article and conforming to the general requirements specified herein.

(b) If the bottle or any label on the bottle, or any individual covering, carton, or other container of the bottle used for sale at retail, other than a shipping container, or any written, printed, graphic, or other matter accompanying the bottle to the consumer buyer contains any statement, design, device, or graphic, pictorial, or emblematic representation that is prohibited by this article.

(c) If the bottle is in an individual covering, carton, or other container used for sale at retail, other than a shipping container, displaying thereon any written, printed, graphic, or other matter, other than the name and address of the manufacturer, importer, or person by whom bottled (and in addition the name and address of the person for whom bottled), and such individual covering, carton, or other container obscures the mandatory label information required to be stated and such individual covering, carton, or other container fails to reproduce on it, in the same manner, all information so obscured; or if any statement required by this article to appear upon the label, or upon such individual covering, carton, or other container of the bottle, is obscured in any other manner or is modified in any manner.

SEC. 32. *Mandatory Label Information.*—There shall be stated—

(a) On the brand label—

(1) Brand name, in accordance with Section 33 below.

(2) Class and type, in accordance with Section 34 below.

(3) Name and address, in accordance with Section 35 below, except as provided in (b) hereof.

(b) On the brand label or on a separate label (back or front)—

(4) In case of imported distilled spirits, name and address of importer, in accordance with Section 35 below.

(5) In the case of distilled spirits bottled for the holder of a permit or a retailer, the name and address of the distiller, blender, or bottler, in accordance with Section 35 below.

(c) On a separate label (for the purpose of these regulations to be known as the Government label), in which manner and form as shall be prescribed by the Administrator—

(6) Alcoholic content, in accordance with Section 36 below.

(7) Net contents, in accordance with Section 37 below.

(8) Artificial or excessive coloring or flavoring, in accordance with Section 38 below.

(9) Percentage of neutral spirits and name of commodity from which distilled, or in case of continuously distilled neutral spirits or gin the name of the commodity only, in accordance with Section 38 below.

(10) Age of whiskey and straight whiskey, and respective percentages of whiskey, straight whiskey, and neutral spirits, in accordance with Section 39 below.

(11) State of distillation of domestic types of whiskey and straight whiskey, except blends, in accordance with Section 35 below.

The mandatory information required by any of the subdivisions of subsection (c) to be stated on a separate label may, if desired, reappear or be restated on the brand label, in which event there shall also reappear or be restated all information required to be stated in conjunction therewith by such separate subdivision and the section to which such subdivision refers. If it is desired, all of the mandatory information required by subsection (c) may appear on the brand label in lieu of a separate label.

SEC. 33. *Brand Names.*—(a) *General.*—The distilled spirits shall bear a brand name, except that if distilled spirits are not sold under a brand name, then the name of the person required to appear on the brand label shall be deemed a brand name for the purpose of this article.

(b) *Brand Names of Geographical Significance.*—The word "Brand" shall be stated in direct conjunction with a brand name containing a geographical name or adjective as a part or the whole thereof, in type at least one-half the size of the type in which such geographical name or adjective appears on the label, unless such distilled spirits were in fact produced in such place: *Provided*, That if such product was not in fact produced in the place or region indicated by such brand name, and the Administrator finds that the general appearance of the label, or any statement, design, or device appearing thereon, tends to create the impression that the product is of foreign origin or was produced in a place or region other than that of actual production, he may require, in addition to the word "Brand", other appropriate language which will indicate the true place of production.

(c) This section shall not apply to the use by any person of any trade name or brand of foreign origin not effectively registered in the United States Patent Office on August 29, 1935, which has been used by such person or his predecessors in the United States for a period of at least five years immediately preceding August 29, 1935: *Provided*, That if such trade name or brand is used, it shall be qualified by the name of the locality in the United States in which the product is produced, and such qualification shall be in script, type, or printing as conspicuous as the trade name or brand which it qualifies and shall be in direct conjunction therewith.

SEC. 34. *Class and Type.*—(a) The class of the distilled spirits shall be stated. If the particular distilled spirits are a type of such class and if such type is defined in Article II of these regulations, then such type shall also be stated. The class or type stated shall be in conformity with Article II of these regulations, if such class or type is defined therein. If either the class or type stated is not defined in Article II of these regulations, then any statement of such class or type shall be in conformity with the trade designation of such product, if such designation has not been adopted in Article II of these regulations as the designation of another product: *Provided*, That if there is no trade designation, the product shall be given a distinctive or fanciful name or an accurate and truthful statement of its true composition shall be made on the brand label. Notwithstanding the foregoing provisions of this section, the words "cordial" or "liqueur" need not be stated to indicate the class of distilled spirits which in fact are cordials or liqueurs, unless the Administrator finds that, without a designation of the class, the type designation is one which does not clearly indicate to the consumer that the product is a cordial or liqueur.

(b) The labeling of any bottled highballs, cocktails, gin fizzes, and other prepared specialties shall state, in conformity with subsection (a), the class and type of the distilled spirits used and the percentage by volume of such distilled spirits in the bottle. Any such statement of class and type may, but need not, be stated as part of the designation of the product. If not made a part of the designation of the product, then such percentage and class and type statement shall be stated elsewhere upon the brand label or on a separate label affixed in immediate proximity thereto on the same side of the bottle.

(c) On labels of cordials and liqueurs, the type of distilled spirits used for mixing or redistillation, and the percentage of each type thereof, may, but need not, be stated. Any such statement shall be substantially in accordance with the following examples: Apricot liqueur—the distilled spirits used are all apricot brandy; Cherry cordial—the distilled spirits used are all grape brandy; Pineapple liqueur—the distilled spirits used are 30% distilled London dry gin, 70% neutral spirits.

SEC. 35. *Name and Address.*—(a) “Distilled by.”—On labels of domestic distilled spirits bottled by or for the actual distiller thereof, there shall be stated the words “distilled by”, and immediately thereafter the name of such distiller and the place where distilled.

(b) “Blended by”, “Made by”, “Prepared by”, “Manufactured by”, or “Produced by.”—On labels of domestic distilled spirits bottled by or for the actual rectifier thereof, there shall be stated the words “blended by”, “made by”, “prepared by”, “manufactured by”, or “produced by”, whichever may be applicable, and immediately thereafter the name of the rectifier and the place where blended, made, or prepared.

(c) “Imported by.”—On labels of bottled imported distilled spirits, bottled prior or subsequent to importation, there shall be stated the words “imported by”, “imported exclusively by”, or a similar appropriate phrase, and immediately thereafter the name of the importer, or exclusive agent, or sole distributor, or other person responsible for the importation, together with the principal place of business in the United States of such person. The statements provided for domestic distilled spirits by subsections (a), (b), and (d), if applicable, may, but need not, appear on labels of imported bottled distilled spirits, unless required by State or foreign law or regulation. If required by State or foreign law or regulation, they shall appear in accordance with the requirements thereof.

(d) “Bottled by.”—On labels of domestic distilled spirits bottled without taxable rectification by the holder of a warehousing and bottling permit, or by any State or political subdivision thereof, who is not the actual distiller or rectifier of such distilled spirits, there shall be stated the words “Bottled by”, and immediately thereafter the name of the bottler and the place where bottled.

(e) “Bottled for.”—On labels of distilled spirits bottled for the holder of a permit, or a retailer, who is not the actual distiller or rectifier of such distilled spirits, there shall be stated the name and address of the permittee or retailer for whom such distilled spirits are so bottled, immediately preceded by the words “Bottled for”, or “Distributed by”, or other similar statement. In addition thereto, the requirements of (a), (b), (c), or (d) of this section shall be stated on either the brand label or on a separate label (back or front).

(f) *Post Office Address.*—The “place” stated shall be the post office address, except that the street address may be omitted. No additional places or addresses shall be stated for the same person, firm, or corporation, unless (1) such person or retailer is actively engaged in the conduct of an additional bona fide and actual alcoholic beverage business at such additional place or address, and (2) the label also contains, in direct conjunction therewith, appropriate descriptive material indicating the function occurring at such additional place or address in connection with the particular product.

(g) *State of Distillation.*—On labels of whiskey and straight whiskey there shall be stated the State of distil-

lation of such whiskey, if such whiskey is not distilled in the State given in the address on the brand label. Notwithstanding the provisions of Section 32 (c), the statement of the State of distillation shall appear on the brand label in all cases where the Administrator finds that without such statement the label is misleading as to the State of actual distillation.

(h) *Trade Names.*—The trade name of any permittee appearing upon any label shall be identical with the name in which his basic permit is issued by the Administrator.

SEC. 36. *Alcoholic Content.*—(a) The alcoholic content by proof shall be stated for distilled spirits except as provided in subsection (b) of this section.

(b) The alcoholic content in percentage by volume or by proof shall be stated for cordials and liqueurs, and gin fizzes, cocktails, highballs, bitters, and such other specialties as may be specified by the Administrator from time to time.

SEC. 37. *Net Contents.*—(a) The net contents shall be stated as follows:

(1) If one pint, one quart, or one gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon.

(b) All fractions shall be expressed in their lowest denominations.

(c) The net contents need not be stated on any label if the net contents are displayed by having the same blown in the bottle on the same side of the bottle as the brand label, in letters and figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part. The letters and figures shall be not less than one-quarter inch in height, except in case of bottles having a capacity of less than one-half pint, in which case the letters and figures shall be of such size as to be readily legible under ordinary conditions.

SEC. 38. *Presence of Neutral Spirits and Coloring, Flavoring, and Blending Materials.*—(a) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form: “---% neutral spirits distilled from grain”; or “---% neutral spirits distilled from cane products”; or “---% neutral spirits distilled from fruit”; or “---% grain (cane products), (fruit) neutral spirits.”

(b) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled. The statement of the name of the commodity shall be made in substantially the following form: “Distilled from grain”, or “Distilled from cane products”, or “Distilled from fruit.”

(c) If the aggregate amount of coloring, blending, smoothing, or flavoring materials in any distilled spirits other than cordials, liqueurs, gin, gin fizzes, highballs, bitters, and such other specialties as may be specified by the Administrator from time to time, is in excess of 2½% by volume of the distilled spirits contained in the bottle, then the name and amount in percent by volume of each such materials shall be stated.

(d) There shall be stated the words “artificially colored” on the label of any distilled spirits containing synthetic or imitation coloring materials: *Provided*, That this statement shall not be required by reason of the use of caramel in coloring any type of whiskey (not including straight whiskey) brandy, or rum.

(e) The presence of beeding oil in any type of whiskey shall be stated.



**SEC. 39. Statements of Age and Percentage.**—(a) *Statement of Age and Percentage for Whiskey.*—There shall be stated in the case of whiskey (except Scotch, Irish, and Canadian and blended Scotch, Irish, and Canadian whiskey, as defined in Article II, section 21, class 2, and except straight whiskey bottled under the Bottling in Bond Act of the United States, in which cases statement of age shall be optional) the following:

(1) *Whiskey.*—In the case of whiskey (as defined in Article II, Section 21, Class 2 (a)), if not mixed, the age of the whiskey; if mixed, the age of the youngest whiskey. The statement of age in both cases under this paragraph shall be as follows: "This whiskey is \_\_\_\_ months old."

(2) *Straight whiskey.*—In the case of any of the types of straight whiskey, the age of the straight whiskey. The statement of age in cases under this paragraph shall be as follows: "This whiskey is \_\_\_\_ (years and/or months) old."

(3) *Blended whiskey.*—In case of any of the types of blended whiskey as defined in Article II, Section 21, Class 2 (g) and (h), the age of the straight whiskey (or if there be two or more straight whiskeys, then of the youngest thereof) and the age of the other whiskey (or if there be two or more other whiskeys, then of the youngest of such other whiskeys) together with the percentage by volume of straight whiskey, other whiskey, and neutral spirits therein.

The statement of age in cases under this paragraph shall be as follows, in accordance with the ingredients used: If only one straight whiskey and one other whiskey is in the blend, the statement of the age shall read "The straight whiskey in this product is \_\_\_\_ (years and/or months) old, \_\_\_\_% straight whiskey, \_\_\_\_% other whiskey, \_\_\_\_ (years and/or months) old." The age blanks shall be filled in with the respective ages of the straight whiskey and the other whiskey. If more than one straight whiskey and more than one other whiskey is in the blend, the statement of age shall read "The straight whiskeys in this product are \_\_\_\_ (years and/or months) or more old, \_\_\_\_% straight whiskey, \_\_\_\_% other whiskey, \_\_\_\_ (years and/or months) or more old." The age blanks shall be filled in with the ages of the youngest straight whiskey and the youngest of the other whiskeys. If neutral spirits have been used in the blend, the statement thereof shall appear in immediate conjunction with the statement of age and percentage amounts of straight whiskey and other whiskey (if any) and shall be in the form required by Section 38 (a).

In addition (but not as a substitute for the foregoing required statements) a statement may be made of the ages and percentages of all of the straight whiskeys in the blend. Such statements, if made, shall read "\_\_\_\_% straight whiskey, \_\_\_\_ years old, \_\_\_\_% straight whiskey, \_\_\_\_ years old, and \_\_\_\_% straight whiskey, \_\_\_\_ years old." The age and percentage blanks shall be filled in with the respective ages and percentages of all of the straight whiskeys in the blend.

(4) *Blends of Straight Whiskeys.*—If the product is a blend of straight whiskeys, the age of the youngest straight whiskey. The statement of age under this paragraph shall be as follows: "The straight whiskeys in this product are \_\_\_\_ (years and/or months) or more old." The blank shall be filled in with the age of the youngest straight whiskey in the blend. In addition (but not as a substitute for the foregoing required statement) a statement may be made of the ages and percentages of all of the straight whiskeys in the blend. Such statements, if made, shall read: "\_\_\_\_% straight whiskey, \_\_\_\_ years old, \_\_\_\_% straight whiskey, \_\_\_\_ years old, and \_\_\_\_% straight whiskey, \_\_\_\_ years old." The age and percentage blanks shall be filled in with the respective ages and percentages of all of the straight whiskeys in the blend.

(5) *Spirit Whiskey.*—In the case of spirit whiskey, the age of the whiskey or straight whiskey (or if there be two or more whiskeys or straight whiskeys, then the youngest whiskey or straight whiskey) together with the percentage

by volume of the whiskey or straight whiskey and the percentage by volume of neutral spirits. Such statement shall be as follows: "The whiskey (straight whiskey) in this product is \_\_\_\_ (years and/or months) old; \_\_\_\_% straight whiskey, \_\_\_\_% whiskey, and \_\_\_\_% neutral spirits (continuing in accordance with the requirements of Sec. 38 (a) to state the commodity from which the neutral spirits is derived)." If there be either no straight whiskey or whiskey in the product, the percentage statement with respect thereto shall be omitted.

(6) *Imported American Type Whiskeys.*—In the case of imported American type whiskeys (as defined in Article II, Section 21, Class 9) the labels shall state the ages and percentages in the same manner and form as is required for the same type of whiskey produced in the United States.

(b) *Statements of Age for Rum, Brandy, Scotch, Irish, and Canadian Whiskeys, and Blended Scotch, Blended Irish, and Blended Canadian Whiskeys.*—

(1) Age may, but need not, be stated on labels of rums, brandies, Scotch whiskeys, Irish whiskeys, Canadian whiskeys, blended Scotch whiskeys, blended Irish whiskeys, and blended Canadian whiskeys, as defined in Article II of these regulations.

(2) If age is stated, it shall be substantially as follows: "This rum is \_\_\_\_ years old"; "This brandy is \_\_\_\_ years old"; "This whiskey is \_\_\_\_ years old"; the blanks to be filled in with the age of the youngest distilled spirits in the product.

(c) *Statements of Age and Percentage for Blended Scotch Type Whiskey and Blended Irish Type Whiskey.*—

(1) In case of blended Scotch type whiskey in which the malt whiskey and other whiskey used is all over three years old, the statement of age shall be optional. If age is stated, it shall be as follows: "This whiskey is \_\_\_\_ years old", the blank to be filled in with the age of the youngest distilled spirits in the product.

(2) In case of blended Scotch type whiskey in which any of the malt whiskey or other whiskey used is less than three years old, there shall be stated the age of the youngest malt whiskey and the age of the youngest other whiskey, together with the percentage by volume of the malt whiskey and the other whiskey therein. The statement of age shall be in the following form: "The malt whiskey in this product is \_\_\_\_ (years and/or months) old; \_\_\_\_% malt whiskey, \_\_\_\_% other whiskey \_\_\_\_ (years and/or months) old."

(3) In case of blended Irish type whiskey in which the malt whiskey and other whiskey used is all over three years old, the statement of age shall be optional. If age is stated, it shall be as follows: "This whiskey is \_\_\_\_ years old", the blank to be filled in with the age of the youngest distilled spirits in the product.

(4) In case of blended Irish type whiskey in which any of the malt whiskey or other whiskey used is less than three years old, there shall be stated the age of the youngest malt whiskey and the age of the youngest other whiskey, if any, together with the percentage by volume of the malt whiskey and the other whiskey therein. The statement of age shall be in the following form: "The malt whiskey in this product is \_\_\_\_ (years and/or months) old; \_\_\_\_% malt whiskey, \_\_\_\_% other whiskey, \_\_\_\_ (years and/or months) old."

(d) *Other Distilled Spirits.*—Age, maturity, or similar statements or representations as to neutral spirits, gin, liqueurs, cordials, vodka, colicalls, gin fizzes, highballs, bitters, and specialties are misleading and are prohibited from being stated on any label.

(e) *Miscellaneous Age Representations.*—

(1) If the age of any product for which age is required to be stated is in excess of one year, months in excess of a year may be omitted, and if the age is less than one month, the age shall be stated as "Less than one month" in lieu of "\_\_\_\_ (years and/or months)."

(2) Age may be understated but may not be overstated.

(3) Any permissive additional statements as to age shall appear on the same labels as the required statements and only in direct conjunction therewith and in substantially the same size and kind of print. Any such additional permissive statements as to age not in direct conjunction with the required statements are prohibited, and all statements as to age other than the required statements, the additional permissive statements, and the optional statements for distilled spirits are prohibited. Additional permissive age and percentage statements shall not be given prominence, either by position or color, over required age and percentage statements.

(4) Variations in the form of the required statements or the additional permissive statements as to age and percentages are prohibited.

(5) Use of the Word "Old", or Other Representations as to Age.—If any age, maturity, or similar representation (including words or devices in any brand name or mark) is made relative to any distilled spirits (except neutral spirits, gin, liqueurs, cordials, vodka, cocktails, gin fizzes, highballs, and bitters), the age shall also be stated on all labels where such representation appears, and in script, type, or printing substantially as conspicuous as such representation. Age, maturity, or similar representations as to neutral spirits, gin, liqueurs, cordials, vodka, cocktails, gin fizzes, highballs, and bitters, are misleading, and shall not appear upon any label, except that the use of the word "old" or other word denoting age, appearing as part of the brand name, shall not be deemed to be an age representation in the case of such distilled spirits, or in the case of distilled spirits bottled in bond under the Bottling in Bond Act of the United States. As to all other distilled spirits, the word "old" or other word denoting age, appearing as part of the brand name, shall be deemed to be an age representation unless the word "brand" appears in direct conjunction with such brand name in letters of equally conspicuous color and at least one-half the size of the type in which such brand name is printed.

SEC. 40. *General Requirements.*—(a) *Contrasting Background.*—All labels shall be so designed that all the statements thereon required by this article are readily legible under ordinary conditions, and all such statements shall be on a contrasting background.

(b) *Size of Type.*—All statements required on labels by this article shall be in readily legible script, type, or printing not smaller than eight-point Gothic caps, except that if contained among other descriptive or explanatory reading matter, the script, type, or printing of all required material shall be of a size substantially more conspicuous than such other descriptive or explanatory reading matter: *Provided*, That in the case of labels on bottles having a capacity of less than one-half pint, such script, type, or printing thereon need not be in eight-point Gothic caps, but shall be readily legible under ordinary conditions. All statements of the type of distilled spirits shall be in script, type, or printing substantially as conspicuous as the statement of the class to which it refers, and in direct conjunction therewith.

(c) *English Language.*—All the requirements of this article shall be stated on all labels in the English language: *Provided*, That the brand name, the place of production, and the name of the producer appearing on labels need not be in the English language if the words "product of" immediately precede the name of the country in which the distilled spirits were produced in accordance with customs requirements. Additional statements in foreign languages may be made on labels, if no such statements conflict with, or are contradictory to, the requirements of this article. Labels on bottles of distilled spirits bottled for consumption within Puerto Rico may, if desired, state the information required by this article solely in the Spanish language, in lieu of the English language, except that the net contents, and, if an imitation, the word "imitation" shall also be stated in the English language.

(d) *Location of Label.*—No label other than stamps authorized or required by the United States Government or

any other government, shall be affixed over the mouths of bottles of distilled spirits, and no label shall obscure any government stamp or be obscured thereby, or obscure any markings or information required to be blown in the bottle by regulations of the Secretary of the Treasury.

(e) *Labels Firmly Affixed.*—All labels shall be affixed to bottles of distilled spirits in such manner that they cannot be removed without thorough application of water or other solvents.

(f) *Additional Information on Labels.*—Labels (other than the label to be known for the purposes of these regulations as the government label) may contain information other than the mandatory label information required by this article, provided such information complies with the requirements of this article, and does not conflict with, nor in any manner qualify statements required by, any regulations promulgated under the Act.

(g) *Representations as to Materials.*—If any representation (other than representations or information required by this article) is made as to the presence, excellence, or other characteristic of any ingredient in any distilled spirits, or used in the production thereof, the label containing such representation shall state in print, type, or script, substantially as conspicuous as such representation, the name and amount in percent by volume of each such ingredient, except that percentages of whiskey, where stated, shall be stated as provided in Section 39: *Provided*, That no statement shall appear on any label with reference to the use of selected or choice grain, fruit, herbs, or other materials in the distilled spirits, or in the production thereof, unless such materials are of a higher grade than that customarily used in the industry, and then only if the Administrator has previously found, on the basis of evidence submitted to him, that such materials are of such higher grade. If only a portion of the materials used is of such higher grade, then the percentage thereof that is of such higher grade shall be stated in direct conjunction with such statement, in print, type, or script, substantially as conspicuous as that used in connection with such statement.

(h) Upon request of the Administrator, there shall be submitted to him a full and accurate statement of the contents of the bottles to which labels are to be or have been affixed.

SEC. 41. *Prohibited Practices.*—(a) *Statements on Labels.*—Bottles containing distilled spirits, or any labels on such bottles, or any individual covering, carton, or other container of such bottles used for sale at retail, or any written, printed, graphic, or other matter accompanying such bottles to the consumer shall not contain—

(1) Any statement that is false or untrue in any particular or that, irrespective of falsity, directly or by ambiguity, omission, or inference, or by the addition of irrelevant, scientific, or technical matter, tends to create a misleading impression. Examples of such prohibited statements are:

Reproductions of medals or facsimiles of awards, when no medals or awards have been given for the particular product.

The statement that the product is "100% straight whiskeys", when in fact the product is less than 100 proof.

The statement that "Fine Flavored, Genuine Bourbon Whiskey is Made Only in Kentucky."

Domestic products containing the statement "Furnished to His Majesty, the King of \_\_\_\_\_."

"Due to our method of storage, this product ages in half the time."

"This whiskey is two months old. Due to our special aging process, however, it has the taste and characteristics of a much older whiskey."

"This whiskey is four months old. Due to our special manufacturing processes, this whiskey has all the characteristics of a one year old whiskey."

"Distilled from a scientifically controlled fermentation under laboratory control."

(2) Any statement that is disparaging of a competitor's products. Examples of such prohibited statements are:

"Contains no neutral spirits or alcohol."

"Matured naturally—not heat treated."

"Not a compound, but a delicious distilled dry gin."

"Should not be confused with imitations that are made from neutral spirits."

"Contains no headaches."

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer. Examples of such statements are:

"From 20 to 30 scientific determinations are required for each bottle tested."

"Analyzed by State laboratories and found to be pure and free from deleterious ingredients."

"Chemical analysis shows this whiskey to contain the flavoring, aroma, and other characteristics of four year old whiskey", when in fact such whiskey is less than four years old.

"Before bottling it is subjected to the most rigid tests for its taste, bouquet, and aroma, by our technical staff", signed by \_\_\_\_\_, B. Ch. E.

The statement that "The \_\_\_\_\_ Laboratories, recognized expert authority, tests, and judges \_\_\_\_\_ products."

The statement "Tasted and Approved", signed by The \_\_\_\_\_ Research Institute.

The statement "Tasted and Tested to Assure the Highest Quality Flavoring and Freedom from Deleterious Ingredients."

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer. Nothing herein shall prohibit the use of an enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(Blank to be filled in with the name of the permittee making guaranty)

Examples of such statements are:

"Guaranteed to consumer by \_\_\_\_\_"

"Warranted to be the best product in its price range."

"Certified to be pure and free from deleterious matter."

"Guaranteed to be ten years old."

"Guaranteed to be distilled in the State of \_\_\_\_\_"

"Attested to be made by modern, scientific manufacturing processes."

(6) A trade or brand name that is the name of any living individual of public prominence, or existing private or public organization, or is a name that is in simulation or is an abbreviation thereof, or any graphic, pictorial, or emblematic representation of any such individual or organization, if the use of such name or representation is likely falsely to lead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, such individual or organization: *Provided*, That this subsection shall not apply to the use of the name of any person engaged in business as a distiller, rectifier, blender, or other producer, or as an importer, wholesaler, retailer, bottler, or warehouseman of distilled spirits, nor to the use by any person of a trade or brand name that is the name of any living individual of public prominence or existing private or public organization, provided such trade or brand name was used by him or his predecessors in interest prior to August 29, 1935.

(b) *Simulation of Government Stamps, etc.*—

(1) No label shall be of such design as to resemble or simulate a stamp of the United States Government or any State or foreign Government. No label, other than stamps authorized or required by this or any other Government, shall state or indicate that the distilled spirits contained in the labeled bottle are distilled, blended, made, bottled, or sold under, or in accordance with, any municipal, State, or Federal authorization, law, or regulations, unless such statement is required or specifically authorized by Federal, State, or municipal law or regulations, or is required or specifically authorized by the laws or regulations of a foreign country. If the municipal, State, or Federal government permit number is stated upon a label, it shall not be accompanied by any additional statement relating thereto.

(2) If imported distilled spirits are labeled Scotch whiskey, blended Scotch whiskey, Irish whiskey, blended Irish whiskey, Canadian whiskey, blended Canadian whiskey, rum, brandy, or Cognac, or are labeled as whiskey of an American type, and such distilled spirits are covered by a certificate of origin or of age issued by a duly authorized official of the appropriate foreign government, the label, except where prohibited by the foreign government, may refer to such certificate or the fact of such certification, but shall not be accompanied by any additional statement relating thereto. The reference to such certificate or certification shall, in the case of Cognac, be substantially in the following form: "This product accompanied at the time of importation by an 'Acquit Regional Jaune d'Or' issued by the French Government, indicating that this grape brandy was distilled in the Cognac Region of France"; and in the case of the other distilled spirits, substantially in the following form: "This product accompanied at time of importation by a certificate issued by the \_\_\_\_\_ government (name of government), indicating that the product is \_\_\_\_\_ (class and type as required to be stated on the label), and (if label claims age) that none of the distilled spirits are of an age less than stated on this label."

(3) "*Bottled in Bond.*"—The words "Bond", "Bonded", "Bottled in Bond", "Aged in Bond", or phrases containing these or synonymous terms, shall not be used on any label or as part of the brand name of distilled spirits unless such distilled spirits were in fact bottled in bond under the Bottling in Bond Act of the United States.

(c) *Use of Word "Pure."*—The word "pure" shall not be stated in any manner on any labels, except as part of the bona fide name of a permittee or retailer for whom the distilled spirits are bottled.

(d) *Use of "Double Distilled" or Similar Terms.*—No gin or other distilled spirits shall be labeled as "double distilled" or "triple distilled", or any similar term.

(e) *Statements, Seals, Flags, Coats of Arms, Crests, and Other Insignia.*—Statements, seals, flags, coats of arms, crests, or other insignia, or graphic or pictorial or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for, or under the supervision of, or in accordance with the specifications of, the government, organization, family, or individual with whom such seal, flag, coat of arms, crest, or insignia is associated, are prohibited on any label of distilled spirits.

(f) *Curative and Therapeutic Effects.*—Labels shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects if such statement is untrue in any particular or tends to create a misleading impression.

(g) *Individual Coverings and Cartons.*—Individual coverings, cartons, or other containers of bottled distilled spirits, or any written, printed, graphic, or other matter accompanying the bottle shall not contain any statement or any graphic, pictorial, or emblematic representation or other matter which is prohibited from appearing on any label or bottle of distilled spirits.



ARTICLE IV. REQUIREMENTS FOR WITHDRAWAL FROM CUSTOMS CUSTODY OF BOTTLED IMPORTED DISTILLED SPIRITS

SEC. 45. *Label Approval and Release.*—(a) On or after March 1, 1936, bottled distilled spirits shall not be released from customs custody for consumption except pursuant to procedure and form prescribed by this Article.

(b) No bottled distilled spirits shall be released from customs custody unless there shall have been deposited with the appropriate customs officer at the port of entry an "Affidavit for Release of Distilled Spirits" (Form L 3), which document shall be properly filled out and sworn to by the importer or transferee in bond, covering the particular brand or lot of distilled spirits sought to be released, and which document shall be accompanied by the original or a photostatic copy firmly attached thereto of a "Certificate of Label Approval and Release for Imported Distilled Spirits" (Form L 2). Such certificate shall be issued by the Administrator upon application made on the form designated "Application for Approval of Labels for Distilled Spirits Imported in Bottles" (Form L 1), properly filled out and certified to by the importer or transferee in bond.

(c) *Release.*—If the "Affidavit for Release of Distilled Spirits" (Form L 3) is accompanied by the original or a photostatic copy of the "Certificate of Label Approval and Release for Imported Distilled Spirits" (Form L 2) the certificate of which bears the signature of the officer designated by the Administrator, then the brand or lot of bottled distilled spirits bearing labels identical with those shown on the original or a photostatic copy may be released from customs custody.

(d) *Relabeling.*—Distilled spirits in customs custody which are not labeled in conformity with certificates of label approval issued by the Administrator must be relabeled prior to release, under the supervision and direction of the Customs officers of the port at which such distilled spirits are located.

SEC. 46. *Certificates of Origin and Age.*—(a) Scotch, Irish, and Canadian whiskeys, in bottles, whether blended or unblended, imported on or after March 1, 1936, shall not be released from customs custody for consumption unless the invoice is accompanied by a certificate of origin issued by a duly authorized official of the British, Irish, or Canadian Governments, certifying (1) that the particular distilled spirits are Scotch, Irish, or Canadian whiskey, as the case may be, (2) that the distilled spirits have been manufactured in compliance with the laws of the respective foreign governments regulating the manufacture of the whiskey for home consumption, and (3) that the product conforms to the requirements of the Immature Spirits Act of such foreign government for spirits intended for home consumption.

(b) If the label of any Scotch, Irish, or Canadian whiskey, whether blended or unblended, imported in bottles on or after March 1, 1936, contains any statement of age for Scotch or Irish whiskey in excess of three years, or Canadian whiskey in excess of two years, the whiskey shall not be released from customs custody unless accompanied by a certificate issued by a duly authorized official of the appropriate foreign government, certifying that none of the distilled spirits in the bottle are of an age less than that stated on the label. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers.

(c) If the label of any rum, brandy, or cognac, imported in bottles on or after March 1, 1936, contains any statement of age, the rum, brandy, or cognac shall not be released from customs custody unless accompanied by a certificate issued by a duly authorized official of the Government of the foreign country in which the rum, brandy, or cognac was produced, certifying that none of the distilled spirits in the product are of an age less than that stated on the label. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers. Cognac in bottles, imported on or after March 1, 1936, shall not be released from customs custody unless the invoice is accompanied by a certificate

issued by a duly authorized official of the appropriate foreign government, certifying that the product is grape brandy distilled in the Cognac Region of France and entitled to be designated as "Cognac" by the laws and regulations of the French Government.

(d) American type whiskeys imported on or after March 1, 1936, shall not be released from customs custody in bottles unless there is presented at the time of entry or at the time of request for release, a certificate issued by a duly authorized official of the appropriate foreign government certifying:

In case of straight whiskey, (1) the class and type (such as straight whiskey, straight rye whiskey, straight bourbon whiskey, etc.) thereof, (2) the American proof at which distilled, (3) that no neutral spirits or other whiskey has been added as a part thereof or included therein, whether or not for the purpose of replacing outage, and (4) the age of the whiskey;

In case of distinctive types of whiskey, (1) the class and type (such as rye whiskey, bourbon whiskey, etc.), (2) the American proof at which distilled, (3) that no neutral spirits has been added as a part thereof or included therein, whether or not for the purpose of replacing outage, and (4) the age of the whiskey;

In case of blended whiskey, (1) the class and type (such as blended whiskey, blended rye whiskey, blended bourbon whiskey, etc.), (2) the percentage of straight whiskey, or any distinctive type thereof, used in the blend, (3) the American proof at which the straight whiskey was distilled, (4) the percentage of other whiskey, if any, in the blend, (5) the percentage of neutral spirits, if any, in the blend, and the name of the commodity from which distilled, and (6) the age of the straight whiskey and the age of the other whiskey, if any, in the blend.

The age certified shall be the period during which, after distillation and before bottling, the whiskey has been kept in charred oak containers.

ARTICLE V. REQUIREMENTS FOR APPROVAL OF LABELS OF DOMESTICALLY BOTTLED DISTILLED SPIRITS

SEC. 50. *Certificates of Label Approval.*—(a) No person shall bottle distilled spirits, other than distilled spirits in customs custody, or remove such spirits from his bottling plant unless upon application to the Administrator he has obtained, and has in his possession, a "Certificate of Approval of Labels of Domestically Bottled Distilled Spirits" (Form L 5), covering such distilled spirits. Such certificate of label approval shall be issued by the Administrator upon application made on the form designated "Application for Approval of Labels of Domestically Bottled Distilled Spirits" (Form L 4), properly filled out and certified to by the permittee.

(b) Any bottler of distilled spirits shall be exempt from the requirements of this Article if upon application he shows to the satisfaction of the Administrator that the distilled spirits to be bottled by him are not to be sold, offered for sale, or shipped or delivered for shipment, or otherwise introduced in interstate or foreign commerce. A "Certificate of Exemption from Label Approval for Distilled Spirits" (Form L 7) shall be issued by the Administrator upon application made on the form designated "Application for Exemption from Distilled Spirits Label Approval" (Form L 6), properly filled out and certified to by the permittee.

SEC. 51. *Certificates of Age and Origin.*—(a) Scotch, Irish, and Canadian whiskeys, whether blended or unblended, imported in bulk on or after March 1, 1936, and bottled in the United States, shall not be labeled as Scotch, Irish, or Canadian whiskeys respectively, unless the bottler possesses a certificate of origin issued by a duly authorized official of the British, Irish, or Canadian governments, certifying (1) that the particular distilled spirits are Scotch, Irish, or Canadian whiskey, as the case may be, (2) that the distilled spirits have been manufactured in compliance with the laws of the respective foreign governments regulating the manufacture of the whiskey for home consumption, and (3) that

the product conforms to the requirements of the Immature Spirits Act of such foreign government for spirits intended for home consumption.

(b) If any Scotch, Irish, or Canadian whiskey, whether blended or unblended, is imported in bulk on or after March 1, 1936, and bottled in the United States, no statement shall appear on the label thereof representing the age of such Scotch or Irish whiskey to be in excess of three years, or Canadian whiskey in excess of two years, unless the permittee authorized to bottle such distilled spirits possesses a certificate for such distilled spirits issued by a duly authorized official of the appropriate foreign government certifying as to age of such whiskey. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers.

(c) If any rum or brandy is imported in bulk on or after March 1, 1936, and bottled in the United States, no statement of age shall appear on the labels of such rum or brandy, unless the permittee authorized to bottle such distilled spirits possesses a certificate issued by a duly authorized official of the government of the foreign country in which the rum or brandy was produced, certifying as to the age of such rum or brandy. The age certified shall be the period during which, after distillation and before bottling, the distilled spirits have been kept in oak containers. Brandy imported in bulk on or after March 1, 1936, and bottled in the United States, shall not be labeled as "Cognac" unless the permittee authorized to bottle such distilled spirits possesses a certificate issued by a duly authorized official of the appropriate foreign government, certifying that the product is grape brandy distilled in the Cognac Region of France and entitled to be designated as "Cognac" by the laws and regulations of the French Government.

(d) Distilled spirits imported in bulk on or after March 1, 1936, and bottled in the United States with or without taxable rectification, shall not be labeled as any type of American whiskey, unless the permittee authorized to bottle such distilled spirits possesses a certificate for such whiskey issued by a duly authorized official of the appropriate foreign government certifying:

In case of straight whiskey: (1) the class and type (such as straight whiskey, straight rye whiskey, straight bourbon whiskey, etc.) thereof; (2) the American proof at which distilled; (3) that no neutral spirits or other whiskey has been added as a part thereof or included therein, whether or not for the purpose of replacing outage; and (4) the age of the whiskey (the period during which the whiskey has been kept in charred oak containers);

In case of distinctive types of whiskey: (1) the class and type (such as rye whiskey, bourbon whiskey, etc.); (2) the American proof at which distilled; (3) that no neutral spirits has been added as a part thereof or included therein, whether or not for the purpose of replacing outage; and (4) the age of the whiskey (the period during which the whiskey has been kept in charred oak containers);

In case of blended whiskey: (1) the class and type (such as blended whiskey, blended rye whiskey, blended bourbon whiskey, etc.); (2) the percentage of straight whiskey, or any distinctive type thereof, used in the blend; (3) the American proof at which the straight whiskey was distilled; (4) the percentage of other whiskey, if any, in the blend; (5) the percentage of neutral spirits, if any, in the blend, and the name of the commodity from which distilled; and (6) the age of the straight whiskey and the age of the other whiskey, if any, in the blend (the period during which the whiskeys have been kept in charred oak containers);

and unless the labels are in all particulars consistent with the facts stated in the certificate.

**Sec. 52. Exhibiting Certificates to Government Officials.**—Any bottler holding an original or duplicate original of a certificate of label approval or a certificate of exemption, shall, upon demand, exhibit such certificate to a duly authorized representative of the United States Government.

**Sec. 53. Photoprints.**—Photoprints or other reproductions of certificates of label approval or certificates of exemption are not acceptable, for the purposes of this article, as substitutes for an original or duplicate original of a certificate of label approval, or a certificate of exemption. The Administrator will, upon the request of the bottler, issue duplicate originals of certificates of label approval or certificates of exemption if distilled spirits under the same brand are bottled at more than one plant by the same permittee, and if the necessity for the duplicate original is shown and there is listed with the Administrator the name and address of the additional bottling plant where the particular label is to be used.

#### ARTICLE VI. ADVERTISING OF DISTILLED SPIRITS

**Sec. 60. Application of This Article.**—No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate, shall publish or disseminate, or cause to be published or disseminated, by radio broadcast, or in any newspaper, periodical or other publication, or by any sign or outdoor advertisement, or any other printed or graphic matter, any advertisement of distilled spirits if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail, unless such advertisement is in conformity with this article: *Provided*, That this article shall not apply to outdoor advertising in place on June 18, 1935, but shall apply upon replacement, restoration, or renovation of any such advertising, and *Provided further*, That this article shall not apply to the publisher of any newspaper, periodical, or other publication, or radio broadcaster, unless such publisher or radio broadcaster is engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler of distilled spirits, directly or indirectly, or through an affiliate.

**Sec. 61. Definitions.**—As used in this article—

The term "advertisement" includes any advertisement of distilled spirits through the medium of radio broadcast; or of newspapers, periodicals, or other publications; or of any sign or outdoor advertisement; or of any other printed or graphic matter, including trade booklets, menus, and wine cards—if such advertisement is in, or is calculated to induce sales in, interstate or foreign commerce, or is disseminated by mail; except that such term shall not include—

(1) Any label affixed to any bottle of distilled spirits; or any individual covering, carton, or other container of the bottle, or any written, printed, graphic, or other matter accompanying the bottle, which constitutes a part of the labeling under Article III of these regulations.

(2) Any editorial or other reading matter in any periodical or newspaper for the publication of which no money or other valuable consideration is paid or promised, directly or indirectly, by any permittee.

**Sec. 62. Mandatory Statement.**—(a) *Responsible Advertiser.*—The advertisement shall state the name and address of the permittee responsible for its publication or broadcast. Street number and name may be omitted in the address.

(b) *Class and Type.*—The advertisement shall contain a conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required to appear on the label of the product.

(c) *Alcoholic Content.*—

(1) The alcoholic content by proof shall be stated for distilled spirits except as otherwise provided in paragraph (2) of this subsection.

(2) The alcoholic content in percentage by volume or by proof shall be stated for cordials and liqueurs, and gin fizzes, cocktails, highballs, bitters, and such other specialties as may be specified by the Administrator from time to time.

(d) *Percentage of Neutral Spirits and Name of Commodity.*—

(1) In the case of distilled spirits (other than cordials, liqueurs, and specialties) produced by blending or rectifica-

tion, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled. The statement of percentage and the name of the commodity shall be made in substantially the following form "----% neutral spirits distilled from grain"; or "----% neutral spirits distilled from cane products"; or "----% neutral spirits distilled from fruit"; or "----% grain (cane products), (fruit), neutral spirits."

(2) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled. The statement of the name of the commodity shall be made in substantially the following form "Distilled from grain", or "Distilled from cane products", or "Distilled from fruit."

SEC. 63. *Lettering.*—Statements required under this article to appear in any written, printed, or graphic advertisement shall be in lettering of type of a size sufficient to render them both conspicuous and readily legible.

SEC. 64. *Prohibited Statements.*—(a) An advertisement of distilled spirits shall not contain:

(1) Any statement that is false or misleading in any material particular.

(2) Any statement that is disparaging of a competitor's products.

(3) Any statement, design, device, or representation which is obscene or indecent.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which the Administrator finds to be likely to mislead the consumer. Nothing herein shall prohibit the use of an enforceable guaranty in substantially the following form: "We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(Blank to be filled in with name of permittee making guaranty.)

(6) Any statement that the distilled spirits are distilled, blended, made, bottled, or sold under or in accordance with any municipal, State, or Federal authorization, law, or regulation; and if a municipal, State, or Federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) The words "bond", "bonded", "bottled in bond", "aged in bond", or phrases containing these or synonymous terms, unless the entire contents of the bottle were in fact bottled in bond under the Bottling in Bond Act of the United States.

(8) The word "pure" except as part of the bona fide name of a permittee or a retailer for whom the distilled spirits are bottled.

(9) The terms "double distilled", "triple distilled", or any similar terms.

(b) *Statements Inconsistent With Labeling.*—The advertisement shall not contain any statement concerning a brand or lot of distilled spirits that is inconsistent with any statement on the labeling thereof.

(c) *Statements of Age.*—The advertisement shall not contain any statement, design, or device directly or by implication concerning age or maturity of any brand or lot of distilled spirits unless a statement of age appears on the label of the advertised product. When any such statement, design, or device concerning age or maturity is contained in any advertisement, it shall include (in direct conjunction therewith and with substantially equal conspicuousness) all parts of the statement, if any, concerning age and percentages required to be made on the label under the provisions of Article III of these regulations.

(d) *Curative and Therapeutic Effects.*—The advertisement shall not contain any statement, design, or device representing that the use of any distilled spirits has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(e) *Place of Origin.*—The advertisement shall not represent that the distilled spirits were manufactured in or imported from a place or country other than that of their actual origin, or were produced or processed by one who was not in fact the actual producer or processor.

(f) *Confusion of Brands.*—Two or more different brands or lots of distilled spirits shall not be advertised in one advertisement (or in two or more advertisements in one issue of a periodical or newspaper, or in one piece of other written, printed, or graphic matter) if the advertisement tends to create the impression that representations made as to one brand or lot apply to the other or others, and if as to such latter the representations contravene any provision of this article or are in any respect untrue.

(g) *Statements, Seals, Flags, Coats of Arms, Crests, and Other Insignia.*—Statements, seals, flags, coats of arms, crests, and other insignia, or graphic, pictorial, or emblematic representations thereof, likely to mislead the consumer to believe that the product has been endorsed, made, or used by, or produced for or under the supervision of, or in accordance with the specifications of, the government, organization, family, or individual with whom such seal, flag, coat of arms, crest, or other insignia is associated, are prohibited in any advertisement.

#### ARTICLE VII. STANDARDS OF FILL FOR BOTTLED DISTILLED SPIRITS

SEC. 70. *Application of This Article.*—No person engaged in business as a distiller, rectifier, importer, wholesaler, or warehouseman and bottler, directly or indirectly, or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein or remove from customs custody any distilled spirits in bottles unless such distilled spirits are bottled in conformity with this Article. Distilled spirits domestically bottled prior to January 1, 1935, and imported distilled spirits entered in customs bond in bottles prior to March 1, 1935, shall be regarded as being in conformity with this Article (1) if the bottle, or the label on the bottle, contains a conspicuous statement of the net contents thereof, and (2) if the actual capacity of the bottle is not substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

SEC. 71. *Misbranding.*—(a) Distilled spirits shall be deemed to be misbranded:

(1) If the bottle is not a standard liquor bottle as prescribed by Section 72 for such distilled spirits.

(2) If the amount of the distilled spirits contained in the bottle does not conform to one of the standards of fill in effect therefor under Section 73.

(3) If the bottle is in an individual carton or other container, and the carton or other container is so made or formed as to mislead purchasers as to the size of the bottle.

SEC. 72. *Standard Liquor Bottles.*—(a) *General.*—A standard liquor bottle shall be one so made, formed, and filled as not to mislead the purchaser.

(b) *Size.*—A liquor bottle shall be held to be so filled as to mislead the purchaser if the bottle holds distilled spirits in an amount other than one of the standards of fill in effect therefor under Section 73.

(c) *Headspace.*—A liquor bottle of a capacity of one-half pint or more shall be held to be so filled as to mislead the purchaser if it has a headspace in excess of eight per centum of the total capacity of the bottle after closure.

(d) *Design.*—A liquor bottle shall be held (irrespective of the correctness of the net contents specified on the label) to be so made and formed as to mislead the purchaser, if its actual capacity is substantially less than the capacity it appears to have upon visual examination under ordinary conditions of purchase or use.

SEC. 73. *Standards of Fill.*—(a) The standards of fill for distilled spirits in liquor bottles shall be the following, subject to the tolerances hereinafter allowed:

(1) For all distilled spirits, whether domestically manufactured, domestically bottled, or imported:

1 gallon	1 quart	1 pint	$\frac{1}{8}$ pint
$\frac{1}{2}$ gallon	$\frac{1}{4}$ quart	$\frac{1}{2}$ pint	$\frac{1}{16}$ pint

(2) In addition, for brandy, whether domestically manufactured, domestically bottled, or imported:

$\frac{1}{8}$  pint

(3) In addition, for Scotch and Irish whiskey and Scotch and Irish type whiskey; and for brandy and rum:

$\frac{1}{4}$  pint

(b) The following tolerances shall be allowed:

(1) Discrepancies due exclusively to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of bottles, resulting solely from unavoidable difficulties in manufacturing such bottles so as to be of uniform capacity: *Provided*, That no greater tolerance shall be allowed in case of bottles which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of bottles which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due exclusively to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in bottles to evaporation. The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(c) Unreasonable shortages in certain of the bottles in any shipments shall not be compensated by overages in other bottles in the same shipment.

SEC. 74. *Vintage Spirits.*—This Article shall not apply to:

(1) Distilled spirits imported as vintage spirits under permit issued by a District Supervisor of the Alcohol Tax Unit of the Bureau of Internal Revenue pursuant to Regulations 13 (Liquor Bottle Regulations) issued by the Secretary of the Treasury.

(2) Cordials and liqueurs, and cocktails, highballs, gin fizzes, bitters, and such other specialties as are specified from time to time by the Administrator.

#### ARTICLE VIII. GENERAL PROVISIONS

SEC. 80. *Exports.*—These regulations shall not apply to distilled spirits exported in bond.

SEC. 81. *Applicability of Other Regulations.*—Nothing contained in these regulations shall be construed as, in any manner, relieving any person from conforming with the requirements of the regulations of the Secretary of the Treasury issued pursuant to provisions of joint resolution approved June 18, 1934, entitled "Joint Resolution to Protect the Revenue by Regulation of the Traffic in Containers of Distilled Spirits."

SEC. 82. *Effective Date.*—Except as otherwise provided herein, these regulations are effective on and after the first day of March 1936.

JOSEPHINE ROCHE,

Acting Administrator,

Federal Alcohol Administration.

Approved, Jan. 18, 1936.

H. MORGENTHAU, Jr.,

Secretary of the Treasury.

[F. R. Doc. 150—Filed, April 1, 1936; 12:07 p. m.]

#### REGULATIONS No. 5

##### AMENDMENT NO. 1

Article III, Section 30 (a), Article IV, Section 45 (a), Article IV, Section 46 (a), (b), (c), and (d), and Article V, Section 51 (a), (b) (c), and (d) of Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, are

hereby amended by striking out the date "March 1, 1936" and substituting in lieu thereof the date "August 15, 1936."

Article VI, Section 64 (b) of said regulations is amended by adding thereto a new sentence as follows: "This requirement shall become effective August 15, 1936."

Article VIII, Section 82, of said regulations, is amended to read as follows:

SEC. 82. *Effective Dates.*—Articles I, II, and VI of these regulations, except as otherwise provided, are effective on and after May 1, 1936. All other articles of these regulations, except as otherwise provided, are effective on and after August 15, 1936.

W. S. ALEXANDER,

Administrator, Federal Alcohol Administration.

Approved, February 29, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[F. R. Doc. 151—Filed, April 1, 1936; 12:07 p. m.]

#### FARM CREDIT ADMINISTRATION.

FR 1

##### LOANS ENTITLED TO COMMODITY LOAN INTEREST RATE

APRIL 1, 1936.

To all Banks for Cooperatives and Others Concerned:

Pursuant to the authority conferred upon the Governor of the Farm Credit Administration by the Agricultural Marketing Act, as amended, particularly section 4 and subsection (a) of section 8 thereof, the following regulation is hereby prescribed:

No borrower from a bank for cooperatives shall be entitled to the interest rate prescribed in subsection (a) of section 8 of the Agricultural Marketing Act, as amended, on any loan made upon the security of commodities, unless the following terms and conditions are complied with:

(1) Each loan shall be secured by a first lien on farm products or farm supplies, approved by the Cooperative Bank Commissioner, of sufficient value at the time the loan is made (as determined by the bank) to afford an adequate margin of security without the necessity for additional collateral of other kinds (liens for accrued storage or warehouse charges and taxes not yet due will not be considered as prior liens, provided the bank is satisfied that adequate arrangements have been made to assure the payment of such charges, when and as the same become due and payable);

(2) The loan shall mature within the normal marketing period of the commodities securing the loan; and

(3) The proceeds of the loan shall not be used for the construction or acquisition by purchase or lease of physical facilities, or for refinancing the cost of construction or acquisition of such facilities.

(4) Such loans shall not be made on changing stocks of goods.

W. I. MYERS,

Governor, Farm Credit Administration.

[F. R. Doc. 154—Filed, April 1, 1936; 12:28 p. m.]

#### SECURITIES AND EXCHANGE COMMISSION.

[Release No. 557]

##### SECURITIES EXCHANGE ACT OF 1934

##### AMENDMENT OF RULES

The Securities and Exchange Commission, pursuant to authority conferred upon it by Sections 12 and 23 (a) of the Securities Exchange Act of 1934, hereby amends the last paragraph of the rules contained in Release No. 513 (Class A), published March 9, 1936, by adding thereto the following:

"and any registrant may, at its option, until May 6, 1936, file a registration statement on the form which would have been appropriate if these amendments had not been adopted."

[SEAL]

FRANCIS P. BRASSOR, Secretary.

[F. R. Doc. 135—Filed, March 31, 1936; 11:54 a. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of March A. D., 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, and William O. Douglas.

[File No. 2-1886]

**IN THE MATTER OF CALIFORNIA OIL AND LAND CORPORATION**  
**STOP ORDER**

This matter coming on to be heard by the Commission on the registration statement of California Oil and Land Corporation, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement includes untrue statements of material facts and omits to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading in Items 19, 28, 29, 30, 33, 37, 39, 40, 41, 42, 45, 46, 54, and in the prospectus, and being now fully advised in the premises,

It is ordered, pursuant to Section 8 of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by California Oil and Land Corporation be, and the same hereby is, suspended.

By direction of the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 153—Filed, April 1, 1936; 12:17 p. m.]

*United States of America—Before the Securities  
and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of March 1936.

Commissioners: James M. Landis, Chairman; George C. Mathews, Robert E. Healy, J. D. Ross, Wm. O. Douglas.

[File No. 2-1692]

**IN THE MATTER OF LEWIS AMERICAN AIRWAYS, INC.**  
**STOP ORDER**

This matter coming on to be heard by the Commission on the registration statement of Lewis American Airways, Inc., Continental Oil Building, 18th and Glenarm Place, Denver, Colorado, after confirmed telegraphic notice by the Commission to said registrant that it appears that said registration statement and the prospectus include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, and upon the evidence received upon the allegations made in the notice of hearing duly served by the Commission on said registrant, and the Commission having duly considered the matter, and finding that said registration statement and the prospectus include untrue statements of material facts and omit to state material facts required to be stated therein and material facts necessary to make the statements therein not misleading, all as more fully set forth in the Commission's Findings of Fact and Opinion in this matter this day issued, and the Commission being now fully advised in the premises;

It is ordered, pursuant to Section 8 (d) of the Securities Act of 1933, as amended, that the effectiveness of the registration statement filed by Lewis American Airways, Inc., Continental Oil Building, 18th and Glenarm Place, Denver, Colorado, be, and the same hereby is, suspended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 152—Filed, April 1, 1936; 12:17 p. m.]

Friday, April 3, 1936

No. 15

**TREASURY DEPARTMENT.**

**Federal Alcohol Administration.**

**GOVERNMENT LABEL, DISTILLED SPIRITS**

FEBRUARY 28, 1936.

**To All Bottlers and Importers of Distilled Spirits:**

Pursuant to Section 32<sup>1</sup> of Regulations 5, Relating to the Labeling and Advertising of Distilled Spirits, the following form of "Government" label is hereby prescribed for all classes and types of distilled spirits:

*Class and Type*

- (1) Alcoholic content.
- (2) Net contents.
- (3) Percentage of neutral spirits and name of commodity from which distilled.
- (4) Age statement.
- (5) Artificial or excessive coloring or flavoring.
- (6) State of distillation.

If all of the mandatory information required by Section 32 (c) of Regulations 5 appears on the brand label, in the manner and form prescribed by the regulations, no separate "Government" label need be used. The "Government" label, however, if used, shall be prepared in the manner and form above prescribed. If any of the prescribed statements, as itemized above, are not applicable to the particular product to which the label is to be affixed (such as "Artificial or excessive coloring or flavoring"), or if any such statement is not authorized by the Regulations to appear upon the label of any particular product, all reference thereto shall be omitted. In the event that any such statement is omitted, however, all other statements, applicable to the particular product, shall appear in the form above prescribed, and in the order enumerated.

The words "Government Label" or "Federal Alcohol Administration Label" or similar words shall not be printed or otherwise stated on any label for distilled spirits. The label herein prescribed shall contain only the mandatory information above enumerated, and no other printed or graphic matter shall appear thereon. However, if the bottler desires to use a black label containing printed or graphic matter which does not conflict with the Regulations, the mandatory label information may be stated on such label, if it is stated in the manner and form herein prescribed and is separated by a heavy line or a wide space from all other matter appearing on such label.

**PART II. MANNER OF STATING MANDATORY INFORMATION**

The mandatory information required to appear upon the "Government" label shall be stated in the following manner:

(1) *Alcoholic Content.*—Except in the case of cordials and liqueurs, alcoholic content shall be stated in degrees of proof, as follows: "----- proof."

In the case of cordials and liqueurs, alcoholic content may be stated by degrees of proof or percentage of volume, as follows: "----- proof" "----% Alcohol by Volume."

(2) *Net Contents.*—The net contents, unless blown in the bottle, shall be stated as follows:

If one pint, one quart, or one gallon, the net contents shall be so stated.

If less than a pint, the net contents shall be stated in fractions of a pint; as for example "½ pint."

If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, as for example "¾ quart."

If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, as for example "½ gallon."

All fractions shall be expressed in their lowest denomination. If blown in the bottle, net contents need not be stated.

<sup>1</sup> 1 F. R. 95 [sec. 32 (c)] and 103 [sec. 82 as amended by Amendment No. 1, Regulation No. 5].



